

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Löfroth, et al.  
Serial No. : 08/945,655 Examiner: E. Webman  
Filed : October 24, 1997 Group Art Unit: 1615  
For : PHARMACEUTICAL COMPOSITION FOR SUSTAINED  
RELEASE OF THE HMG-COA REDUCTASE INHIBITOR  
FLUVASTATIN

I hereby certify that this paper is being  
deposited with the United States Postal  
Service as first class mail in an envelope  
addressed to : The Assistant Commissioner  
for Patents, Washington, D.C. 20231, on  
February 26, 1999.

Richard J. Sterner

Agent Name

35,372

PTO Reg. No.

Richard J. Sterner  
Signature

February 26, 1999

Date of Signature

The Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

MAR 08 1999

GROUP 1800

Sir:

This is in response to the Office Action mailed November 27,  
1998.

The present application was filed under 35 U.S.C. §371.  
35 U.S.C. §371(b) states that the National Stage of such an  
application shall commence with the expiration of the applicable  
time limit under PCT Article 22(1) or (2) or 39(1)(a) unless  
expressly requested otherwise in accordance with 35 U.S.C.  
§371(f). In the transmittal letter for the instant application,  
not only was early processing not requested but Applicants  
expressly requested that the National Stage processing of the

application not commence until the expiration of the applicable time limit under the appropriate above-cited PCT articles. In the present case, the applicable time limit has not yet expired.

In view of the foregoing, the processing by the Application Branch and the subsequent issuance of the Office Action were premature. Accordingly, the application should be returned to the U.S. Designated/Elected Office and not be processed until the expiration of the applicable time limit under PCT Article 22 or 39(1).

No fee should be due in connection with this communication. However, should it be deemed that a fee is required for any reason, the Assistant Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Dated: February 26, 1999

Respectfully submitted,



Richard J. Sterner  
Reg. No. 35,372

White & Case LLP  
1155 Avenue of the Americas  
New York, New York 10036  
(212) 819-8783